

COU\Johnson\P80571ma

STIPULATION AND CONSENT ORDER - 1

submitted billing and documentation for meeting with these two clients when she did not, in fact, meet with the clients. Respondent's employment with the agency was subsequently terminated.

A.4. Respondent's employer conducted an audit of Respondent's previous cases and could not validate additional billings submitted by Respondent. The employer submitted a compliance issue adjustment to Medicaid for questionable billings by Respondent in the amount of approximately \$800.00.

A.5. The allegations of Paragraphs A.3 and A.4, if proven, would violate the laws and rules governing the practice of professional counseling, specifically Idaho Code §§ 54-3407(4) (counselors shall not commit fraud or deceit in the performance of official duties) and 54-3407(5) (counselors shall not violate Board rules), Board Rule 350 (IDAPA 24.15.01.350) (counselors shall adhere to the ACA Code of Ethics), and ACA Codes of Ethics (2005) A.1.b (counselors take reasonable steps to ensure that documentation in records accurately reflects client progress and services provided), C.1 (counselors have a responsibility to read, understand, and follow the ACA Code of Ethics and adhere to applicable laws and regulations), and E.5.a (counselors take special care to provide proper diagnosis of mental disorders). Violations of these laws and rules constitute grounds for disciplinary action against Respondent's license to practice as a professional counselor in the State of Idaho.

B. Waiver of Procedural Rights

I, Mary J. Johnson, by affixing my signature hereto, acknowledge that:

B.1. I have read, understand and admit the allegations pending before the Board, as stated in Section A, Paragraphs A.3 and A.4. I further understand that these allegations constitute cause for disciplinary action upon my license to practice professional counseling in the State of Idaho.

B.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses,

or to testify myself; the right to reconsideration of the Board's orders; the right to judicial review of the Board's orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of professional counseling in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

B.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

C. Stipulated Discipline

C.1. License No. LCPC-155 issued to Respondent Mary J. Johnson is hereby suspended for a period of one (1) year with the entire one-year suspension WITHHELD provided Respondent complies with all other terms of this Stipulation and Consent Order.

C.2. Respondent shall pay investigative costs and attorney fees in the amount of Three Hundred Fifty and No/100 Dollars (\$350.00) within thirty (30) days of the entry of the Board's Order.

C.3. Within one (1) year of the date of entry of the Board's Order, Respondent shall satisfactorily complete fifteen (15) contact hours in documentation of services and ethics. Respondent must receive prior approval by the Board Chair, or the Chair's designee, as to both the institution and coursework for which she is seeking credit. After completion of the coursework, Respondent will provide certified transcripts to the Board. Said fifteen (15) contact hours of continuing education shall be in addition to any continuing education hours required to maintain licensure.

C.4. Respondent is hereby placed on supervised probation for a minimum of two (2) years from the date of entry of the Board's Order. The conditions of probation are as follows:

a. Both the supervisor and the site of the supervised practice must receive preapproval by the Board. Successful completion of the two-year program of

supervised practice will be a prerequisite to reinstatement of Respondent's license without restriction.

b. If Respondent is working full-time as a counselor, Respondent shall be supervised at a rate of one (1) hour of supervision for every thirty (30) hours of client contact. If Respondent is working part-time as a counselor (*i.e.*, having less than 30 hours per week of client contact), Respondent shall be supervised at a minimum rate of one (1) hour of supervision each week. Respondent shall provide a copy of this Stipulation and Consent Order to the supervisor.

c. The supervisor shall review Respondent's records documentation of services for billing and shall provide a report to the Board on a quarterly basis regarding Respondent's documentation and billings, as well as Respondent's compliance with the terms of probation.

d. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of professional counseling in the State of Idaho.

e. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

f. In the event Respondent should leave Idaho for three (3) continuous months, or to reside or practice outside of the state, Respondent must provide written notification to the Board of the dates of departure, address of intended residence or place of business, and indicate whether Respondent intends to return. Periods of time spent outside Idaho will not apply to the reduction of this period or excuse compliance with the terms of this Stipulation.

g. Respondent shall fully cooperate with the Board and its agents, and submit any documents or other information within a reasonable time after a request is made for such documents or information.

h. Respondent shall make all files, records, correspondence or other documents available immediately upon the demand of any member of the Board's staff or

its agents.

C.5. At the conclusion of the two year supervised probationary period and provided Respondent has complied with all other terms of this Stipulation, Respondent may request from the Board termination of the conditions of probation. Any request for termination of probation must be accompanied by written proof of compliance with the terms of this Stipulation. The Board reserves the right to continue supervised probation based on Respondent's compliance with this Stipulation and reports from Respondent's supervisor.

C.6. If Respondent is registered with the Board as a Registered Counselor Supervisor or a Marriage and Family Therapist Supervisor, Respondent shall not be authorized to provide postgraduate supervision for those individuals pursuing licensure in Idaho as a counselor and/or a marriage and family therapist for a period of five (5) years commencing five (5) days from the date of entry of the Board's Order.

C.7. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.8. The violation of any of the terms of this Stipulation by Respondent may warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D. Presentation of Stipulation to Board

D.1. The Board's prosecutor shall present this Stipulation to the Board with a recommendation for approval.

D.2. The Board may accept, modify with Respondent's approval, or reject this Stipulation. If the Board rejects the Stipulation, an administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent's waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2. which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

E. Violation of Stipulation and Consent Order

E.1. If Respondent violates this Stipulation and Consent Order, the violation shall be considered grounds for additional discipline and the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board to assess whether Respondent has violated this Stipulation and Consent Order. The Chief shall also serve notice of the hearing and charges to Respondent and to Respondent's attorney, if any. Within fourteen (14) days after the notice of the hearing and charges is served, Respondent may submit a response to the allegations. If Respondent does not submit a timely response to the Board, the alleged violations will be deemed admitted.

b. At the hearing, the Board and Respondent may submit evidence and present oral argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to evidence relevant to whether Respondent has violated this Stipulation and Consent Order. At the hearing the facts and substantive matters related to the violations described in Section A shall not be at issue.

c. At the hearing, the Board may impose additional discipline, which may include the suspension or revocation of Respondent's license, the imposition of fines, the recovery of costs and attorney fees incurred by the Board and/or other


conditions or limitations upon Respondent's practice.

E.2. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

E.3. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

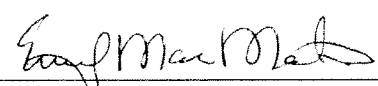
DATED this 3rd day of MARCH, 2008.



Mary J. Johnson
Respondent

I recommend that the Board enter an Order based upon this Stipulation.

DATED this 5th day of March, 2008.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
By 

Emily A. Mac Master
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-3404, the foregoing is adopted as the decision of the Board of Professional Counselors and Marriage & Family Therapists in this matter and shall be effective on the 6th day of May, 2008. **IT IS SO ORDERED.**

IDAHO STATE LICENSING BOARD OF
PROFESSIONAL COUNSELORS AND
MARRIAGE & FAMILY THERAPISTS

By Roberta Crockett
Roberta Crockett, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of May, 2008, I caused to be served a true and correct copy of the foregoing by the following method to:

Mary J. Johnson
2388 N. Corissa
Boise, ID 83704

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Emily A. Mac Master
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail

Tana Cory
Tana Cory, Chief
Bureau of Occupational Licenses